

The Defendant objects to ¶¶ 13, 20, 23, and 34 of the PSR insofar as those paragraphs relate to the purity of the methamphetamine in question. The Defendant requests an evidentiary hearing. The objections to ¶¶ 13, 20, and 23 are denied because those paragraphs are within the government's version of the offense, which the Court is not at liberty to change. The objection to ¶ 34 is denied because even if the Defendant would be successful in challenging the drug purity, his sentencing guideline calculation would not be affected. The offenses are grouped, and under the grouping rules the guideline relating to the firearm offenses is used for the guideline calculation because it produces a higher offense level than the guideline relating to the drug offense. The request for an evidentiary hearing is denied.

IT IS ORDERED:

1. The Defendant's objections to the PSR and request for an evidentiary hearing (Filing No. 77) are denied;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;
3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and
4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 11th day of December, 2009.

BY THE COURT:

S/ Laurie Smith Camp
United States District Judge